

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE ORTIZ-FIGUEROA,

Defendant.

8:20-CR-117

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture. [Filing 41](#). The Court has reviewed the record in this case and finds as follows:

1. Defendant, Jose Ortiz-Figueroa, entered into a Plea Agreement ([Filing 35](#)) whereby he agreed to enter a plea of guilty to Count One of the Indictment, charging him with conspiracy to distribute methamphetamine, in violation of [21 U.S.C. §§ 846](#) and [841\(a\)\(1\)](#) and [\(b\)\(1\)](#), and to admit to the Forfeiture Allegation of the Indictment, alleging that he used the \$5,453.93 U.S. currency to facilitate the offenses, and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offenses.
2. By virtue of said plea of guilty, defendant has forfeited his interest in the currency. Accordingly, the United States should be entitled to possession of the currency pursuant to [21 U.S.C. § 853](#).
3. The Motion for Preliminary Order of Forfeiture should be granted.¹

¹ The United States filed identical motions for preliminary forfeiture in this case. Compare [Filing 40](#), with [Filing 41](#). The Court refers to and grants the later motion ([Filing 41](#)) and terminates the original motion ([Filing 40](#)).

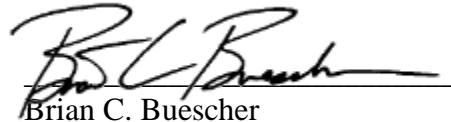
IT IS THEREFORE ORDERED:

1. The Clerk of Court is directed to terminate the pending motion at [Filing 40](#);
2. The United States' Motion for Preliminary Order of Forfeiture ([Filing 41](#)) is granted;
3. Based upon the Forfeiture Allegation of the Indictment and the plea of guilty, the United States is hereby authorized to seize the \$5,453.93 U.S. currency;
4. Defendant's interest in the \$5,453.93 U.S. currency is forfeited to the United States for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#);
5. The United States shall hold the currency in its secure custody and control;
6. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov and "may also, to the extent practicable, provide direct written notice to any person known to have an interest in the property";
7. Pursuant to [21 U.S.C. § 853\(n\)\(2\)](#), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier;
8. Pursuant to [21 U.S.C. § 853\(n\)\(3\)](#), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought; and

9. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 19th day of February, 2021.

BY THE COURT:



Brian C. Buescher
United States District Judge